

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1700
Application No. 09/763,135
Paper Dated: January 2, 2004
In Reply to USPTO Correspondence of July 1, 2003
Attorney Docket No. 3848-010270



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/763,135

Confirmation No. : 3534

Applicant : David SENEOR

Filed : June 5, 2001

Title: : AN UNDERGROUND RESERVOIR FOR STORING LIQUID
: PRODUCTS AND A PROCESS FOR MANUFACTURING
: AN UNDERGROUND RESERVOIR

Group Art Unit : 1772

Examiner : Christopher P. Bruenjes

Customer No. : 28289

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP – AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

01/06/2004 JADDO1 00000044 09763135
02 FC:2253 265.00 OP

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 1, 2003 of the Primary Examiner finally rejecting claims 1-10. A

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 2, 2004.

Linda L. Marlowe

(Typed name of person mailing paper)

Linda L. Marlowe 1/2/04
Signature Date

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duplicate copy of the Amendment After Final Rejection, Petition for Extension of Time, and Transmittal Letter filed November 20, 2003 is enclosed, along with a photocopy of the return postcard indicating receipt of these documents on November 24, 2003. The Applicant respectfully requests the Examiner to consider this Amendment. The Applicant's representative contacted the United States Patent and Trademark Office on January 2, 2004 and learned that this Amendment was not yet considered by the Examiner because it was not matched with the file.

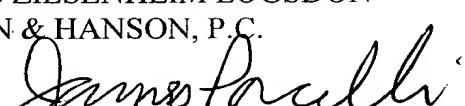
If necessary, a supporting Appeal Brief will be filed in due course.

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$165.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

Respectfully submitted,

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By



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